

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X 22-cv-05422-GRB-LGD
BLUE CASTLE (CAYMAN) LTD.,

Plaintiff,
-against -

WICKAPOGUE 1, LLC, NICOLE GALLAGHER,
MARK GALLAGHER,
HUGH BAUERS CONTRACTING, INC.,
TITLE, LLC, ST. ANDREWS CAPITAL, LLC,
LISA GROSSMAN, BRYAN GEFFEN, and
“JOHN DOE #1” through “JOHN DOE #20,”
the twenty names being fictitious and unknown,
the persons or parties intended being the tenants,
occupants, persons or corporations, if any,
having or claiming an interest upon the Property.

AFFIRMATION IN SUPPORT

Defendants.

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Supriya Kichloo, Esq., an attorney admitted to practice law in the State of New York, in the
Eastern and Southern Districts of New York, affirms as follows under penalties of perjury:

1. I am associated with the firm of Gordon and Gordon, P.C., the attorneys for the
defendants, Wickapogue 1 LLC, Nicole Gallagher and Mark Gallagher in this action. I am fully
familiar with all the facts and circumstances of this action based upon a review of the case file
and the investigation materials contained therein.

2. I submit this affirmation in support of the instant Order to Show Cause of the Defendants
to vacate their default, and to enjoin the plaintiff from removing the defendants from the subject
property. See *Declaration of Mark Gallagher* for more details.

3. The Amended and Restated Mortgage Note, in the principal amount of \$3,250,000.00
 (“Senior Loan”) is annexed to the Order to Show Cause as *Exhibit A*.

4. The Amended and Restated Building Loan Mortgage Note, in the principal amount of
\$2,500,000.00 (“Building Loan”) is annexed to the Order to Show Cause as *Exhibit B*.

5. The Pledge Agreement dated February 7, 2020 is annexed to the Order to Show Cause as *Exhibit C*.

6. The Loan Modification Agreement (LMA) dated February 23, 2021 is annexed to the Order to Show Cause as *Exhibit D*.

7. The Payoff Letter dated March 3, 2023 is annexed to the Order to Show Cause as *Exhibit E*.

8. A bankruptcy petition and Declaration in support is annexed to the Order to Show Cause as *Exhibit F*.

9. The letter to vacate dated February 29, 2023 is annexed to the Order to Show Cause as *Exhibit G*.

10. The Form-N, Hard Copy Costs is annexed to the Declaration of Mark Gallagher as *Exhibit H*.

11. The Plaintiff, through its assignee, Wickapogue Beach LLC sent a letter to the Defendants on March 29, 2023 in the afternoon demanding they vacate the premises by midnight on March 30, 2023.

12. The Defendants have moved for a preliminary injunction pursuant to FRCP Rule 65(b)(1) without notice because there is an immediate concern that if the relief is not granted the plaintiff will seek an Order evicting the Defendants, and they have already sought to terminate undesigned counsel's representation of Wickapogue 1 LLC and filed for Chapter 11 bankruptcy.

13. The Defendants request a temporary restraining Order (TRO) at the very least until a hearing is set to argue the Order to Show Cause.

14. This relief has not been previously requested.

15. For the reasons set forth in the Order to Show Cause it is respectfully requested that the Court grant the relief requested in the Defendants' Order to Show Cause in its entirety.

Dated: Forest Hills, New York
March 31, 2023

Respectfully submitted,
GORDON & GORDON P.C.

/s/ Supriya Kichloo, Esq
Supriya Kichloo, ESQ.
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and Nicole Gallagher
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